

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDRE KELLEY,

PLAINTIFF,

-VS-

9:02-CV-1089 (LEK/GJD)

DOCTOR RAJA MARA,

DEFENDANT.

ORDER APPOINTING COUNSEL

The Court has reviewed the entire file in this matter in conjunction with the elements discussed in Local Rule of Practice 83.3(c) as to the factors a Court should consider in determining whether to appoint counsel for a *pro se* litigant.

Based upon such review, this Court finds that the services of:

Ms. Tina Versaci, Esq., **Bar Roll Number: 508733,**

could provide as “plaintiff’s trial Counsel,” the possibility of a more just determination of this action. As “trial counsel,” **Tina Versaci, Esq.**, Shall be responsible for the preparation of the following papers:

- A) Completed Court Ordered Voir Dire Questionnaire (if applicable - form enclosed).
- B) Proposed witness list with a brief description of the testimony expected to be elicited from each witness. (form enclosed).
- C) Proposed exhibit list (form enclosed).
- D) A trial brief of legal issues which may arise during the trial.
- E) Proposed jury charges (if applicable).

The above papers shall be submitted to the Court by counsel for each side by:
January 10, 2006.

Due to the fact that it was the plaintiff's responsibility to conduct discovery and that the discovery deadline in this matter has passed, absent exigent circumstances, "trial counsel" shall **not** conduct any further discovery in this action. Rather, "trial counsel" shall prosecute this action based upon the discovery produced to date.

In light of the above, it is hereby

ORDERED, that **Tina Versaci, Esq.**, is appointed as "trial counsel" pro bono for the plaintiff in this action,¹ and it is further

ORDERED, that this appointment is for trial purposes, only. Any appeals of this matter shall remain the responsibility of the plaintiff, and it is further

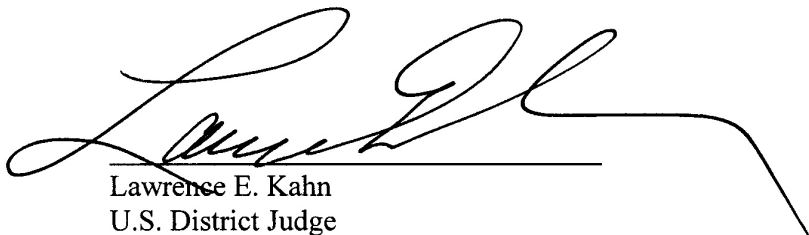
ORDERED, that the Clerk serve a copy of this Order on the parties hereto, and **Tina Versaci, Esq., O'Connell, Aronowitz Law Firm, Address: 100 State Street, Albany, NY 12207, Phone Number: 518-462-5601, Fax Number: 518-427-6988**, by regular mail, and it is further

ORDERED, that the Court's file in this matter be made available to **Tina Versaci, Esq.**, for **her** review at the **Albany** Clerk's Office, and that upon **her** request, the Clerk shall provide copies of any materials filed in this action to **Tina Versaci, Esq.**, without charge, and it is further

ORDERED, that Counsel, pursuant to Local Rule 83.3(g) may seek up to One Thousand Two Hundred (\$1,200.00) dollars as reimbursement for expenses and/or disbursement necessarily incurred by **her** in this regard.

IT IS SO ORDERED.

August 10, 2005



Lawrence E. Kahn
U.S. District Judge

¹Please note that pursuant to subdivision (i) of section 1500.22 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York, CLE credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to an assignment by a court.

COURT ORDERED VOIR DIRE
TO BE USED BY THE JUDGE AT TRIAL

CASE TITLE:
CIVIL ACTION NO.:
ASSIGNED JUDGE OR MAGISTRATE JUDGE:

ATTACHMENT #(1)

Each attorney is required to submit the following information on behalf of his/her client for use by the Court during Voir Dire and must be filed with the Court one week in advance of the trial ready date.

NAMES AND ADDRESSES OF ALL PARTIES TO THE LAWSUIT:

(use additional page if necessary)

YOUR NAME, FIRM NAME, ADDRESS AND THE NAME OF ANY PARTNER OR ASSOCIATE WHO MAY BE AT COUNSEL TABLE DURING THE COURSE OF THE TRIAL.

(use additional page if necessary)

SET FORTH THE DATE OF THE OCCURRENCE, THE PLACE OF THE OCCURRENCE AND A BRIEF STATEMENT OF THE EVENTS CENTRAL TO THE LITIGATION.

(use additional page if necessary)

SET FORTH THE NAMES AND ADDRESSES OF ALL LAY WITNESSES TO BE CALLED.

(use additional page if necessary)

SET FORTH THE NAMES AND ADDRESSES OF ALL EXPERT WITNESSES TO BE CALLED GIVING A BRIEF DESCRIPTION OF THEIR AREAS OF EXPERTISE.

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY CAUSE OF ACTION IN THE COMPLAINT.

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY AFFIRMATIVE DEFENSE ASSERTED AS WELL AS A STATEMENT ADDRESSING ANY COUNTERCLAIMS RAISED IN THE ANSWER.

(use additional page if necessary)

PLEASE TAKE NOTICE that any delay in jury selection occasioned by the failure to provide this information will be explained to the jury as to the extent of the delay and the attorney causing same and if the delay causes a one (1) day or more postponement of this trial, appropriate monetary sanctions will be imposed by the Court.

Submitted by:

Date:

FINAL PRETRIAL ORDER - CONTINUED...

INSTRUCTIONS FOR THE USE OF VIDEO TAPED DEPOSITIONS

COUNSEL ARE TO VIEW ALL VIDEOTAPES WHICH MAY BE OFFERED INTO EVIDENCE AT THE TIME OF TRIAL. ALL VIDEO-TAPED DEPOSITIONS TO BE USED AT TRIAL SHALL BE FILED WITH THE CLERK'S OFFICE AT LEAST ONE WEEK BEFORE THE TRIAL READY DATE. NOT EARLIER THAN ONE WEEK AND NOT LESS THAN FOUR DAYS PRIOR TO THE TRIAL READY DATE, EACH PARTY SHALL INDICATE TO THE OTHER PARTY THE PORTION OF THE DEPOSITION TO BE OFFERED. TO THE EXTENT POSSIBLE, OBJECTIONS ARE TO BE RESOLVED BETWEEN THE PARTIES. COUNSEL SHALL SUBMIT ALL OBJECTIONS IN WRITING TO THE COURT FOR RULING PRIOR TO THE TRIAL READY DATE.

THE CLERKS OFFICE HAS AVAILABLE A VHS FORMAT VIDEO CASSETTE PLAYER AND TELEVISION FOR USE AT TRIAL. PLEASE BE ADVISED THAT YOU MUST PROVIDE A PERSON TO RUN THE EQUIPMENT DURING THE COURSE OF THE TRIAL.

ELECTRONIC VISUAL EVIDENCE PRESENTER

IN ADDITION TO THE VIDEO EQUIPMENT NOTED ABOVE, THE COURT HAS AVAILABLE A VISUAL EVIDENCE PRESENTER WHICH WILL ALLOW COUNSEL TO DISPLAY PHOTOS (NEGATIVES OR POSITIVES), DOCUMENTS, X-RAYS, AND 3-D OBJECTS , WITHOUT WIRES, ON TELEVISIONS PLACED THROUGHOUT THE COURTROOM. THIS EQUIPMENT IS AVAILABLE AT THE COURTHOUSES IN ALBANY, SYRACUSE, UTICA AND BINGHAMTON. USE OF THE VISUAL PRESENTER MAY BE REQUIRED BY THE TRIAL JUDGE PRESIDING OVER YOUR CASE. FOR FURTHER INFORMATION ON THE USE OF THIS EQUIPMENT, PLEASE CONTACT THE COURTROOM DEPUTY CLERK FOR THE ASSIGNED TRIAL JUDGE.

Exhibit Sticker Format:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK CASE NO. _____ PLAINTIFF EXHIBIT NO. _____ DATE ENTERED _____ LAWRENCE K. BAERMAN, CLERK BY: _____ DEPUTY CLERK	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK CASE NO. _____ DEFENDANT EXHIBIT NO. _____ DATE ENTERED _____ LAWRENCE K. BAERMAN, CLERK BY: _____ DEPUTY CLERK
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United States District Court
For The Northern District Of New York

Case No. _____

Date: _____

Presiding Judge: _____

() Plaintiff

() Defendant

() Court

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description

Exhibits Returned To Counsel (Date): _____

Signature: _____

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Signature: _____